

### **Remarks/Arguments**

In the Office Action mailed August 16, 2007, the examiner rejected claims 23, 24, 30 and 38 under 35 U.S.C. §102(b) over WO 94/17154 to Thomas. Claims 31-33, 36 and 39 stand provisionally rejected on the ground of obviousness type double patenting over claims 1-4, 13 and 13 of copending 11/701353. Claim 35 is objected to as being dependent on a rejected base claim, and the examiner also indicated that claims 6-11, 13, 15-22, 34 and 37 are allowable.

### **I. The Rejection of Claims 23, 24, 30 and 38 Under 35 U.S.C. § 102(b) over WO 94/17154.**

Claims 23, 24, 30 and 38 have been canceled without prejudice in the present case. Applicants reserve the right to file a continuation application directed to said claims in due course.

In view of the foregoing, applicants respectfully submit that the rejection of claims 23, 24, 30 and 38 under 35 U.S.C. § 102(b) over WO 94/17154 is now moot; reconsideration and withdrawal thereof is respectfully requested.

Regarding the provisional rejection of claims 31-33, 36 and 39 over claims 1-4, 12 and 13 of copending application No. 11/701,353, applicants direct the examiner's attention to the fact that the present case was filed earlier than copending application No. 11/701,353, and as such, it will expire earlier than said case. Accordingly, applicants submit that since the present case will expire sooner, **a terminal disclaimer is required in copending application No. 11/701,353** and not in the present case.

Claim 35 has been amended to incorporate all of the limitations of base claim 23 and any intervening claims. Applicants now believe that claim 35 is in allowable condition.

In view of the foregoing amendments and remarks, applicants respectfully submit that all of the pending claims 6-11, 13, 15-22, 31-34, 35-37 and 39 are in allowable condition. Accordingly, a Notice of Allowance for said claims is respectfully solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Ralph J. Mancini", enclosed within a hand-drawn oval.

Ralph J. Mancini  
Attorney for Applicant(s)  
Reg. No. 34,054

Akzo Nobel Inc.  
Intellectual Property Department  
120 White Plains Road, Suite 300  
Tarrytown, NY 10591  
Tel No.: (914) 333-7454